

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DARVIS BYNUM,

Plaintiff,

v.

**DANNY BRIDGES, RYDER
INTEGRATED LOGISTICS,
INC., and ACE AMERICAN
INSURANCE COMPANY,**

Defendants.

CIVIL ACTION FILE NO.

NOTICE OF REMOVAL

Defendant Ryder Integrated Logistics, Inc. (“Ryder” or “this Defendant”) submits this Notice of Removal of the action referenced herein from the State Court of Clayton County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division, respectfully showing as follows:

1.

Ryder is a named defendant in a civil action brought in the State Court of Clayton County, Georgia, styled *Darvis Bynum v. Danny Bridges, and Ryder Integrated Logistics, Inc. and Ace American Insurance Company*, Civil Action File no. 2023CV00762.

Attached hereto and made a part hereof as Exhibits are:

- Exhibit 1: Complaint filed by Plaintiff in the State Court of Clayton County on March 30, 2023;
- Exhibit 2: Summons issued by the Clerk of the State Court of Clayton County as to Danny Bridges on March 30, 2023;
- Exhibit 3: Summons issued by the Clerk of the State Court of Clayton County as to Ryder Integrated Logistics, Inc. on March 30, 2023;
- Exhibit 4: Certificate of Acknowledgement from the Georgia Secretary of State regarding receipt of legal documents directed to Danny Bridges filed in the State Court of Clayton County on April 17, 2023;
- Exhibit 5: Certificate of Acknowledgement from the Georgia Secretary of State regarding receipt of legal documents directed to Ryder Integrated Logistics, Inc. filed in the State Court of Clayton County on April 17, 2023; and
- Exhibit 6: Affidavit of Service as to Ryder Integrated Logistics, Inc. filed in the State Court of Clayton County on April 25, 2023.

The attached Exhibits 1 through 6 are copies of all process, pleadings, and orders served on Defendant in the action pending in the State Court of Clayton County, Georgia.

2.

The aforementioned action was commenced by the filing of Plaintiff's complaint in the State Court of Clayton County, Georgia on March 30, 2023.

3.

This Court has jurisdiction over this action under 28 U.S.C. § 1332 because there is complete diversity of citizenship between the Plaintiff and the Defendants, and the amount in controversy exceeds \$75,000.00, excluding interest and costs.

4.

Timing. Pursuant to 28 U.S.C. § 1446(b)(1) and FED. R. CIV. P. 6(a), this Notice of Removal is filed within 30 days after receipt by Ryder, through service or otherwise, of a copy of a pleading, amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable. Specifically, as shown in Exhibit 6, Ryder was served on April 12, 2023 and files this Notice of Removal on May 12, 2023.

5.

Citizenship. This case is a controversy between Plaintiff who is a resident and citizen of the state of Georgia (Complaint, Doc. 1-1, ¶ 1.) and defendants who are not citizens or residents of Georgia (Complaint, Doc. 1-1, ¶¶ 2-4.) On information and belief, Plaintiff is a citizen and resident of the state of Georgia as he alleges same. (Complaint, Doc. 1-1, ¶ 1.) Defendant Ace American Insurance Company is a corporation organized under the laws of Pennsylvania with its principal office located in Pennsylvania. (Complaint, Doc. 1-1, ¶ 3.) Ryder is a corporation organized under the laws of Delaware with its principal office located in Florida. (Complaint, Doc. 1-1, ¶ 2.) Danny Bridges is an individual who is a citizen and resident of Mississippi. (Complaint, Doc. 1-1, ¶ 4.)

6.

Amount in Controversy. The “jurisdictional amount may be apparent on the face of the Complaint if the language clearly alleges extensive damages such as long-term medical expenses, mental and physical pain and suffering, loss of enjoyment of life, loss of wages and earning capacity, and permanent disability and disfigurement or other serious injuries.” *Williams v. Best Buy Co.*, 269 F.3d 1316, 1320 (11th Cir. 2001). This court may make “reasonable deductions, reasonable inferences, or other

reasonable extrapolations” to determine whether the jurisdictional amount is met. *Pretka v. Kolter City Plaza II, Inc.*, 608 F.3d 744, 754 (U.S. 11th Cir. 2010). Courts “may use their judicial experience and common sense in determining whether the case stated in a complaint meets federal jurisdictional requirements.” *Hickerson v. Enter. Leasing Co. of Ga., LLC*, 818 F. App'x 880, 883 (11th Cir. 2020).

This case arises from a motor vehicle accident that occurred in Clayton County, Georgia. In his Complaint, Plaintiff has not alleged damages or an entitlement to any specific dollar amount. However, Plaintiff has alleged and specified the following in his Complaint such that the pleadings demonstrate the amount in controversy exceeds the jurisdiction requirement of \$75,000.00. *See Roe v. Michelin N. Am., Inc.*, 613 F.3d 1058, 1061 (11th Cir. 2010):

- Plaintiff alleges “Defendant Bridges’ inattentiveness, distracted driving, failure to yield the right of way, and/or otherwise negligent and/or reckless driving caused the violent collision between the vehicle owned and operated by and on behalf of Defendant Ryder and the vehicle driven by Plaintiff Bynum.” (Complaint, Doc. 1-1, ¶ 14.)

- Plaintiff alleges that “[a]s a result of the violent collision, Plaintiff Bynum suffered serious injuries and extensive damage to his vehicle.” (Complaint, Doc. 1-1, ¶ 16.)
- Plaintiff alleges that “[a]s a direct and proximate result of Defendant Ryder’s driver, Defendant Bridges, Plaintiff Bynum has suffered and will continue to suffer the following:
 - a) past, present and future physical and mental pain and suffering;
 - b) past, present and future loss of enjoyment of life;
 - c) past, present and future loss of earnings and income;
 - d) past, present and future loss of ability to labor and earn money, as well as other damages.” (Complaint, Doc. 1-1, ¶ 25.)
- Plaintiff alleges that “[a]s a direct and proximate result of the aforesaid negligence and breaches of duty by the negligence of Defendant Ryder’s driver, Defendant Bridges, Plaintiff Bynum suffered substantial injuries and damages, including medical and other necessary expenses, past and continuing mental and physical pain and suffering due to the injuries to his body and nervous system, past and continuing personal inconvenience, past and continuing loss of capacity to labor, and past and continuing inability lead a normal life.” (Complaint, Doc. 1-1, ¶ 26.)

- Plaintiff alleges he “has incurred a significant amount in medical expenses to date and continues to incur medical expenses as he continues to treat for the injuries he suffered in this collision.” (Complaint, Doc. 1-1, ¶ 27.)

Thus, although Ryder denies Plaintiff is entitled to recovery for these claims, Plaintiff’s allegations of a “violent collision” resulting in “extensive damage to his vehicle” and that he has suffered “serious” and “substantial injuries”, including “injuries to his body and nervous system” and a “loss of capacity to labor, and past and continuing inability lead a normal life”, and further that he “continues to incur medical expenses as he continues to treat for the injuries he suffered,” show the minimum required amount in controversy for removal to this Court is met. *See also Joyner v. Lifeshare Mgmt. Grp., LLC*, No. CV417-174, 2018 U.S. Dist. LEXIS 64649 (S.D. Ga. Apr. 16, 2018); *Gebbia v. Wal-Mart Stores, Inc.*, 233 F.3d 880 (5th Cir. 2000); and *Perkins v. Lonero-Deck*, No. 3:08-CV-00022-JTC, 2008 U.S. Dist. LEXIS 128189 (N.D. Ga. July 28, 2008).

10.

The amount in controversy exceeds \$75,000.00, excluding interest and costs, and this is a civil action brought in a State Court of the State of Georgia, of which the United States District Courts have original jurisdiction

because of diversity of citizenship and the amount in controversy pursuant to 28 U.S.C. § 1332.

11.

All Defendants consent to the removal of this action to the United States District Court for the Northern District of Georgia, Atlanta Division.

12.

Based on the complete diversity that exists between the parties and the amount in controversy shown, the pending action is one which PepsiCo is entitled to remove to this Court pursuant to 28 U.S.C. §§ 1332, 1446(b).

WHEREFORE, Defendant Ryder Integrated Logistics, Inc. prays this Notice of Removal be filed, that said action be removed to and proceed in this Court, and no further proceedings be had in the said case in the State Court of Clayton County, Georgia.

Respectfully submitted this 12th day of May, 2023.

HAWKINS PARNELL & YOUNG, LLP

/s/ Elliott C. Ream

Martin A. Levinson
Georgia Bar No. 141791
Elliott C. Ream
Georgia Bar No. 528281

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*Counsel for Defendant Ryder
Integrated Logistics, Inc.*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
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DARVIS BYNUM,

Plaintiff,

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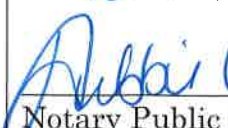


Defendants.

CIVIL ACTION FILE NO.

STATE OF GEORGIA
COUNTY OF FULTON

PERSONALLY APPEARED before me, the undersigned officer of said State and County, duly authorized to administer oaths, Elliott C. Ream, who being first duly sworn, deposes and says on oath that he is attorney for Ryder Integrated Logistics, Inc. in the above-captioned suit, and that the contents and the statements and allegations contained in the within and foregoing Notice of Removal are true to the best of his knowledge and belief.

This 12th day of May, 2023.

<p>Sworn to and subscribed to before me</p> <p>This <u>12th</u> day of May, 2023.</p> <p> Notary Public</p> <p></p>	<p> Elliott C. Ream Georgia Bar No. 528281</p>
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
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DARVIS BYNUM,

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DANNY BRIDGES, RYDER
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CIVIL ACTION FILE NO.

AFFIDAVIT OF FILING OF NOTICE OF REMOVAL
IN STATE COURT OF CLAYTON COUNTY

STATE OF GEORGIA
FULTON COUNTY

PERSONALLY APPEARED before me, the undersigned officer duly authorized by law to administer oaths, Elliott C. Ream, who being first duly sworn, on oath deposes and says he is attorney for Ryder Integrated Logistics, Inc. in this case and that as such attorney, he has filed a copy of the Notice of Removal with the Clerk of the State Court of Clayton County.

This 12th day of May, 2023.

Sworn to and subscribed to before me

This 12th day of May, 2023.

Notary Public



Elliott C. Ream
Georgia Bar No. 528281

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CIVIL ACTION FILE NO.

NOTICE TO PLAINTIFF OF REMOVAL TO FEDERAL COURT

TO: James Palmer, Esq.
Morgan & Morgan, PLLC
1350 Church Street Extension, Suite 300
Marietta, Georgia 30060

YOU ARE HEREBY notified of the filing of a Notice of Removal to the United States District Court for the Northern District of Georgia, Atlanta Division, of the case of *Darvis Bynum v. Danny Bridges, and Ryder Integrated Logistics, Inc. and Ace American Insurance Company*, Civil Action File no. 2023CV00762, State Court of Clayton County, in accordance with the provisions of Section 1446, Title 28 of the United States Code.

A copy of the Notice of Removal is attached.

This 12th day of May, 2023.

HAWKINS PARNELL & YOUNG, LLP

/s/ Elliott C. Ream

Elliott C. Ream

Georgia Bar No. 528281

Counsel for Defendant Ryder

Integrated Logistics, Inc.

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CERTIFICATE OF SERVICE

I have served counsel for Plaintiff in this case with the foregoing
***Notice to Plaintiff of Removal to Federal Court and Notice of Removal
(with Exhibits 1 through 6, Attorney's Affidavit, Affidavit of Filing in
State Court of Clayton County, and Notice of Filing)*** by placing copies in
the U.S. Mail in envelope with sufficient postage to ensure delivery,
addressed as follows:

James Palmer, Esq.
Morgan & Morgan, PLLC
1350 Church Street Extension, Suite 300
Marietta, Georgia 30060

This 12th day of May, 2023.

HAWKINS PARNELL & YOUNG, LLP

/s/ Elliott C. Ream

Elliott C. Ream

Georgia Bar No. 528281

Counsel for Defendant Ryder

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